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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 001860

SIPDIS

STATE FOR EAP/MTS

E.O. 12958: DECL: 08/06/2018
TAGS: [PREL](#) [PINS](#) [KISL](#) [RP](#)
SUBJECT: ALL DETERMINED TO MOVE PEACE PROCESS FORWARD AFTER
SUPREME COURT DELAYS AGREEMENT

REF: MANILA 1798 (GOVERNMENT AND MUSLIM INSURGENTS TO
SIGN TERRITORIAL AGREEMENT)

Classified By: Ambassador Kristie A. Kenney for
reasons 1.4 (b) and (d).

11. (C) Summary: The Ambassador encouraged Philippine, Malaysian, and NGO leaders, gathered in Kuala Lumpur for the signing of a key agreement with Philippine Muslim insurgents, to keep the peace process moving forward after the Philippine Supreme Court temporarily halted the formal signing. Overcoming disappointment, all parties expressed determination to build support for the agreement. Philippine Peace Advisor Secretary Esperon engaged energetically with civil society leaders, Malaysian counterparts, and Muslim insurgents (whose leaders were not visible). Malaysian facilitator Datuk Othman said he was conveying to insurgent leaders the need for calm, and hoped to officially announce that Malaysia will maintain its contribution to the international monitoring team. The overall atmosphere among participants was realistic and positive. The Philippine Supreme Court scheduled oral arguments on August 15, and the government hopes it will lift the restraining order, allowing for a formal signing of the memorandum thereafter. End Summary.

Court Blocks Agreement Signing

12. (U) The Philippine Supreme Court issued a restraining order late in the day August 4 over the signing of the territorial agreement between the Philippine government and the Moro Islamic Liberation Front (MILF), a Muslim insurgent group, just as government peace negotiators, Ambassador Kenney, and other foreign observers were in-flight to Kuala Lumpur for the signing ceremony. The Memorandum of Agreement (MOA) on Ancestral Domain was scheduled to be signed August 5 in Malaysia and was viewed by the Arroyo Administration as the next step on the path toward a comprehensive peace settlement with the MILF and the establishment of a new Muslim political entity. Concerned officials from North Cotabato province and Zamboanga City filed two separate petitions with the Supreme Court after noting in leaked copies of the MOA that communities (barangays) in their jurisdictions would be included in the new Muslim political entity. Petitioners sought to exempt these communities and force the government to conduct more consultations on the MOA at the local and provincial levels.

13. (U) In its restraining order, the Supreme Court required the government to submit the MOA text by August 8, set the deadline for court briefs as August 11, and indicated oral arguments would be heard on August 15. The Presidential Palace said the restraining order was a temporary delay and welcomed the Supreme Court's announcement as an opportunity

for an "objective discussion" on the agreement. An MILF spokesperson, meanwhile, called the move a "setback" but noted the insurgent group was still committed to peace.

Observers Disappointed, but Still Support Peace

¶4. (C) Ambassador Kenney, other foreign diplomats, and NGO representatives who had traveled to witness the MOA signing learned about the Supreme Court announcement after landing in Kuala Lumpur. The news, while disappointing, did not affect their unanimous determination to support the eventual signing of the agreement. Ambassador Kenney encouraged those in attendance to remain focused on the end goal of supporting the peace process. During a meeting with NGOs, including the Asia Foundation and the Mindanao People's Caucus (MPC), Philippine Peace Advisor Hermogenes "Jun" Esperon reassured attendees that the government was not wavering and still intended to move forward with the peace process. MPC leader Mary Ann Arnado said that her organization would file a brief on the Supreme Court case and was working on engaging stakeholders throughout the country, including bringing a group to Manila to meet with members of the business community and media.

¶5. (C) In a private meeting, Malaysian peace facilitator Datuk Othman indicated to the Ambassador that Malaysia intended to resume its participation in the international monitoring team if the territorial agreement was on track by August 30. With regard to the MILF's subdued reaction to the Supreme Court announcement, Othman noted that he was in touch with the group to keep them calm and focused. The Ambassador

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stressed that the U.S. stands ready to assist the peace process and keep it moving forward, adding that we would continue reaching out to the MILF and other parties to engage in a deeper dialogue on how to bring about the conditions for peace. The Ambassador also commented that, out of respect for the rule of law, it was important for parties to respect the authority of the Philippine Supreme Court. In a separate meeting with the Ambassador, Mediation Adviser David Gorman of the Centre for Humanitarian Dialogue discussed the situation in Jolo as well as his praise for the effectiveness of the Philippine peace advisor, Jun Esperon, a sentiment shared by many.

Comment

¶6. (C) The atmosphere among participants was quite positive and realistic, after overcoming initial disappointment. While Malaysia was perhaps most embarrassed, the gathering of the parties and stakeholders seems to have brought disparate groups together in support of the peace negotiations. We will continue our engagement with all to encourage forward movement toward their common goal of peace.

¶7. (U) Embassy Kuala Lumpur has cleared this cable.

JONES